

**Statement by Mr. Vasily Nebenzya, Director, Department for Humanitarian Cooperation and Human Rights, MFA of Russia**

Distinguished Mr. Pushkov,

Distinguished colleagues,

The aim of today's hearing that was inspired, we should admit it, by the experience of our partners from the EU, is not, in my view, to make someone show their true colours, not to give a symmetric answer or to come to a commonplace conclusion "Look who is talking". The aim is to understand what divides us. Why we Europeans (and Russia belongs to Europe, that is an axiom) have at times diametrically opposite approaches to conceptual and crucial issues in the field of human rights.

I believe that it will not be easy for our friends from the EU to understand the roots of many current problems in our relations unless they turn to quite a recent past of late 1980-s and early 1990-s.

Russian people are trustful by nature but this feature, while positive in personal contacts, can play a nasty trick when it comes to international relations.

After the early 1990-s, time was needed to realise that, as in military affairs where potentials matter and not intentions, foreign policy has no insignificant details. For example, one should not have simply trusted President George W. Bush when he said there would be no NATO expansion eastward. One should realise that words or the lack of words can lead to quite real tragic consequences. The most obvious example of this are events in Libya. The broad interpretation of the UN SC resolution led to a military operation against this country and we all know its results.

Human rights issues have become an essential factor in global politics. Human rights concerns are used as a pretext and reason for intervention, even a military one, in internal affairs of sovereign states and, at the same time, as a method of promoting one's own political and economic interests. That is why many countries, drawing lessons from bitter and, so far, not their own experience, become alert and strained when human rights rhetoric heats up against them. Failing to understand that human rights have become a weapon, lethal weapon at times, means failure to understand the logic of countering the assertive promotion of human rights issues in their Western interpretation.

The notion of separation of human rights space into "oases of well-being" in the West and "misery zones" in the East and in the South is being embedded in the public consciousness. Human rights issues are incorporated into various areas of

multilateral cooperation – crime, terrorism, freedom of movement, health care, environment, trade and economic relations.

At the same time, the tendency has lately become even stronger in the West to render human rights absolute on the basis of neo-liberal dogmas ignoring the very foundation of the Western civilisation based on Christianity and traditional values.

Some issues that are questionable in terms of their priority (such as rights of sexual minorities or drug addicts) are brought to the forefront and considered as a cornerstone for measuring the human rights rating, while many important tasks related to the respect of social and economic, cultural and religious rights are pushed to the sidelines.

In the West, neo-liberalism has in fact turned into totalitarian thinking intolerant to dissent. All points of view contrary to the neo-liberal dogmas are dismissed straight off.

At the same time the West reacts painfully to criticism addressed to it. The obvious tendencies of rise in xenophobia, intolerance, neo-Nazism and anti-Semitism are hushed up or excused through "freedom of speech" and "democracy". Glaring cases of discrimination of the Russian-speaking population in Baltic States, a shameful phenomenon of mass statelessness are in fact ignored.

A dangerous process of revising the Judgement of the Nuremberg Tribunal is going on surreptitiously. Attempts to equate the Soviet Union to the Hitler Germany and to make them both responsible for unleashing World War II, obvious unwillingness to refer to the Judgement of the Nuremberg Tribunal that laid foundation for the post-war world order, the ECHR's judgment in the case of *Kononov v. Latvia* and vote of the US, UK and France – our Allies in the anti-Hitler coalition – against the resolution "Inadmissibility of Certain Practices that Contribute to Fuelling Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance" adopted at the 66<sup>th</sup> session of the UN General Assembly on Russia's initiative are all links of this chain.

They try to tell us: "World War II belongs to the past. We are living in a different world. You should be more tolerant, think more broadly, and take the opinions contrary to your own more calmly." These words seem to be correct but they address them only to us.

I think that our partners in the EU should realise that as long as our concerns are actually ignored and the phenomena causing our anxiety are excused as manifestations of "freedom of speech and democracy", as long as the EU does not realise that profanation of the topic of World War II and the role of the Soviet Union in the victory over Fascism is insulting for the Russian national identity, so

long will we be distrustful when they teach us to respect human rights. And this should be said frankly.

By saying this I am not at all trying to accuse the West of total hypocrisy. One should be clear that the ideas of freedom, democracy and respect of human rights are taken in with mother's milk in the West and represent there a basis of the mindset and of the perception of the world and are sincerely associated with the social justice. The EU can be rightly proud of the human rights toolbox that has been developed within it and protects the rights of a common person before the state.

However, the unshakeable conviction of our Western partners that they are right often leads to almost fanatic persistence in defending not only true but also imaginary and at times even false values.

Of course, in Russia we do have problems with human rights and we do not brush it aside, we do not turn a blind eye to them and do not refuse to discuss them. Here we can sincerely and in a good way envy the EU achievements in this field and we have things to do to improve our own situation with observation of fundamental rights and freedoms. As you know, we have good laws but there are quite a few problems with their implementation.

What is unacceptable, however, is the mentor tone assumed by certain politicians and public figures in the West who try to teach us and other countries democracy. Quite often they simply do not bother to realise that, although the fundamental human rights are universal, there is a diversity of traditions, conditions, values and situations in the world and that one can not treat all alike without taking it into consideration.

One of problems is that there is no wish to engage either us or other countries in a serious and conceptual dialogue on human rights. Indeed, paradoxical as it may seem, there is no such forum in the world.

The UN Human Rights Council, conceived as a forum for a non-politicised and respectful discussion on this subject, turned before our eyes into a "battle field", an instrument of political pressure and "model punishment" of those who disagree. How can we speak of a "non-politicised dialogue" when our Western partners, using their numerical superiority in the Council, convene one extraordinary HRC session after another and rubberstamp resolutions condemning Syria, Iran, Myanmar and whoever happens to be around. At the same time, at the latest 19<sup>th</sup> HRC session our partners for some reason refused to adopt amendments to the resolution on human rights situation in Libya expressing concern about the human rights situation under the new authorities. They explained it by saying that the new Libyan authorities are currently engaged in building a "better future", so why recall the recent past? Let bygones be bygones! No sooner had Sri Lanka voiced its concerns about someone's "imperialism" than it was "duly punished"

through the adoption of a "retrospective" resolution on events in Sri Lanka that happened three years ago, despite the fact that the process of national reconciliation has been advancing quite successfully in the country.

In principle we stand against the exploitation of country-specific cases in the HRC. Against using the HRC for opportunist implementation of orders received from lobby groups who enjoy influence in the West and pursuing momentary political interests through the Council. We stand for using the Council for an intelligent dialogue between civilizations that would bring countries closer rather than separate them in their understanding of human rights issues while taking into consideration the local conditions, specificities and traditions.

Let me give you an example. Russia put forward an initiative on traditional values in the HRC. In the follow-up to the resolution adopted at the 12<sup>th</sup> HRC session on 4 October 2010, a seminar entitled "Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Mankind" was held at the UN Office in Geneva. It brought together many scholars, philosophers and public figures. The seminar was co-chaired by Ms Natalia Narochinskaya, who in her report gave an excellent, smart and interesting overview of philosophic, cultural and historic foundations of the traditional world concept. The seminar raised great interest. Invited experts and representatives of the countries concerned discussed conceptual basis of traditions, the need for reasonable conservatism and respect for cultural diversity but what they heard in response was "Drop it! There are universal values and don't bother us with traditional ones. All this is just a trick to distract us from more urgent problems", such as, for example, the so-called "discrimination of sexual minorities".

In our Constitution, human rights are enshrined in a comprehensive and explicit way. International commitments are an integral part of the Russian legal system. Russia has not introduced a single reservation when ratifying international human rights treaties.

Many EU Member States do not hurry up to take international commitments. At the same time, the EU calls on us to ratify conventions that have not yet been ratified by some of its Member States. A number of EU States have made reservations to the International Convention on the Elimination of all Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. A whole set of protocols to the European Convention on Human Rights, to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other important instruments have not been ratified.

We should recommend our EU partners to actively engage in expanding and strengthening their legal obligations. It should be done on all levels – the parliamentary and bilateral levels as well as in the course of the HRC Universal Periodic Review.

There is a considerable body of recommendations to the EU on the part of international monitoring procedures in the field of human rights – within the UN or the Council of Europe. Not all these recommendations are put into effect. Some of them are ignored, some are rejected or take decades to be implemented. And in the meantime, monitoring mechanisms highlight real problems and, as a rule, suggest reasonable ways to address them.

One of problems of our bilateral political dialogue on human rights with the EU is the lack of clear division of responsibility between the Member States and the EU institutions as well as insufficient effort on the part of our partners with respect to our concerns. If we raise an acute problem, in response they, as a rule, lift their hands and say that the issue belongs to the competence of Member States and not the European Commission.

In conclusion I would like to say that Russia and the EU have a common set of priorities – democracy, cooperation, respect for human rights. We should do our utmost together to ensure that the human being, his dignity, rights and freedoms are the greatest value and that the society and the state ensure the conditions for a full and balanced development of the individual. Human rights are a goal and a value and not only an instrument of foreign policy.